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FILED  
CHARLOTTE, NC

DEC 16 2013

US District Court  
Western District of NC

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
DIVISION

: cv \_\_\_\_\_

vs.

\_\_\_\_\_  
Commissioner of Social Security,

Defendant.

)  
)  
**SOCIAL SECURITY  
BRIEFING ORDER**  
)  
)  
)  
)

THIS MATTER is before the court for purposes of entry of a Briefing Order in a Social Security case. After consideration of the needs of the case in accordance with Rule 16, Federal Rules of Civil Procedure, the court enters the following Order:

**ORDER**

**IT IS, THEREFORE, ORDERED** that

- (1) Prior to the filing of any dispositive motions, counsel shall discuss consenting to a Magistrate Judge Jurisdiction pursuant to 28 U.S.C. § 636(b).
- (2) The plaintiff shall file a Motion for Summary Judgment and supporting Memorandum of Law on or before \_\_\_\_\_.
- (3) The plaintiff's Memorandum of Law shall provide the following information and be organized as follows:

I. Summary of Case - The first section of the Memorandum shall *succinctly* (in no more than two pages) provide the following information:

- the specific medical condition(s) causing the claimed disability;

- the alleged onset date for the claimed disability;
- the name and specialty of the plaintiff's treating physician(s) and citations to the record pages of relevant evidence from such treating physician(s);
- the plaintiff's date of application for benefits;
- the specific type of benefits sought (e.g. T2, T16, concurrent, Child's Benefits);
- the date the plaintiff was last insured (if applicable);
- the plaintiff's age, level of education, and work history;
- the step of the sequential evaluation process at which the ALJ denied the claim(s);
- citations to the record pages where the alleged errors of the ALJ are to be found; if the plaintiff contends that the ALJ failed to give proper weight to any physician's opinion, then identify that physician by name, specialty, and whether such physician was a treating, consulting or reviewing physician, and provide citation to the record pages where such opinion is set forth.
- the specific relief requested.

II. Procedural History - The second section of the Memorandum shall briefly set forth the procedural history of the case.

III. Standard of Review and Relevant Law - The third section of the Memorandum shall set forth the standard of review and federal statutes, regulations and case law relevant to the issues presented for review.

IV. Issues Presented - The fourth section of the Memorandum shall succinctly list the issues presented for review, separately identifying and enumerating each alleged error of the ALJ.

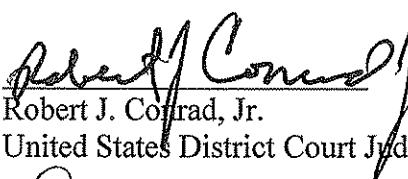
V. Argument - The fifth section of the Memorandum shall set forth the plaintiff's arguments in separate subsections that address each issue and alleged error presented for review.

VI. Conclusion and Relief Requested - the final section of the Memorandum shall set forth a brief conclusion and a statement of the specific relief requested.

- (4) The Commissioner shall file a Motion for Summary Judgment and supporting Memorandum of Law by \_\_\_\_\_.
- (5) The Commissioner's Memorandum of Law shall provide the following information and be organized as follows:
- I. Summary of the Case - The first section of the Memorandum shall *succinctly* (in no more than two pages)
- summarize the reasons why the plaintiff's appeal should be denied;
  - or otherwise summarize how the Commissioner applied the correct legal standards and how the Commissioner's decision is supported by substantial evidence.
- II. Procedural History - The second section of the Memorandum shall briefly set forth the procedural history of the case.
- III. Standard of Review and Relevant Law – The third section of the Memorandum shall set forth the standard of review and federal statutes, regulations and case law relevant to the issues presented for review.
- IV. Argument - The fourth section of the Memorandum shall, seriatim, address the separate issues and arguments advanced by the plaintiff.
- V. Conclusion and Relief Requested – the final section of the Memorandum shall set forth a brief conclusion and a statement of the specific relief requested.
- (6) The plaintiff shall be permitted one Response/Reply brief to be filed fourteen (14) calendar days after the Commissioner has submitted its Motion for Summary Judgment and Memorandum of Law. Such Response/Reply shall be limited to five pages and may only address issues raised for the first time in the Commissioner's Motion and Memorandum.
- (7) This matter shall be decided on the cross Motions for Summary Judgment and plaintiff's Response/Reply thereto (if applicable), the briefs submitted in support, and review of the Administrative Record. Oral arguments are not anticipated or allowed unless otherwise ordered by the Court.
- (8) In all other respects not specifically covered by this Order, all briefs shall comply with the Local Rules for the Western District of North Carolina, including but not limited to, the font size and page limitations set forth in Local Rule 7.1(D).

- (9) The Commissioner is directed to provide to the judge assigned to this case a courtesy paper copy of the administrative transcript when it is filed.

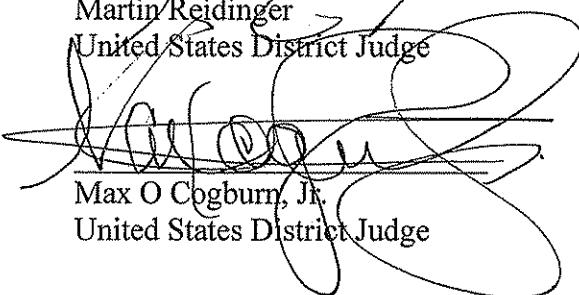
On behalf of the Court en Banc this 16 day of ~~November~~ December 2013.



Robert J. Conrad, Jr.  
United States District Court Judge



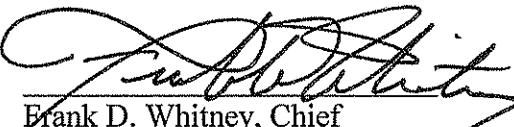
Martin Reidinger  
United States District Judge



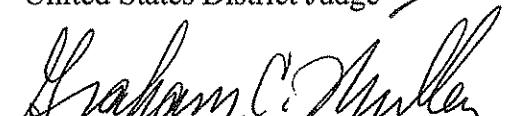
Max O Cogburn, Jr.  
United States District Judge



Richard L. Voorhees  
United States District Judge



Frank D. Whitney, Chief  
United States District Judge



Graham C. Mullen, Senior  
United States District Judge